ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 6.52 TO THE SANTA CRUZ MUNICIPAL CODE ESTABLISHING MINIMUM STANDARDS FOR THE RECYCLING OF ELECTRONIC WASTE

WHEREAS, the recycling of electronic devices is a valuable service and benefits the community by improving the health and safety of the community and environment; and

WHEREAS, electronic devices contain materials that may pose a serious risk to the health and safety of residents, the environment and recycling workers if not recycled by environmentally responsible means; and

WHEREAS, some electronic device recycling methods utilize inadequate environmental standards that pose a risk to the health and safety of residents, the environment and recycling workers—such as disposal in landfills, the export of electronic devices to developing countries with inadequate environmental standards, and the use of prison, child or elderly labor; and

WHEREAS, it is the intent of the City Council to use its regulatory powers to require the use of certain electronic device recycling standards for recycling of electronic devices collected within the City of Santa Cruz to protect the health and safety of residents, the environment, and recycling workers to the greatest extent possible; and

WHEREAS, recycling standards required for a recycler to qualify as a certified recycler under the certification program designated by the City of Santa Cruz shall be designed to protect the health and safety of residents, the environment and recycling workers to the greatest extent possible; and

WHEREAS, this ordinance will protect the health and safety of residents, the environment and recycling workers by establishing minimum electronic device recycling standards for recycling of electronic devices collected or processed within the City of Santa Cruz;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ORDAINS AS FOLLOWS:

A new chapter 6.52 is hereby added to the Santa Cruz Municipal Code to read as follows:

CHAPTER 6.52
ELECTRONIC WASTE RECYCLING

6.52.010 Purpose and Intent

In enacting this ordinance, the City Council recognizes that the collection of electronic devices for recycling is a service of great value to the health and safety of the public and of the environment. The City Council further recognizes that unless properly regulated, the recycling of electronic devices collected in the City can be performed in a manner that is harmful to the health and safety of the public and environment and which poses a threat to the quality of life in

the community. Therefore, it is the purpose and intent of this ordinance to regulate the recycling of electronic devices collected or processed by a recycler in the City of Santa Cruz.

6.52.020 Definitions

The definitions in this section apply to this chapter, unless apparent from the context that a different meaning is intended.

(a) *Electronic device:* Any device powered by electricity (including batteries) that contains circuitry and is identified by the State of California as hazardous waste, whether whole or in fragments, including parts, components, or assemblies thereof: Examples include, but are not limited to: televisions, computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers), computer accessories (including input devices, webcams, speakers, data storage devices, servers, and monitors), televisions (including portable televisions and portable DVD players), video display devices (including digital picture frames and portable video devices), digital imaging devices (including printers, copiers, facsimile machines, image scanners, and multifunction machines), television peripheral devices (including video cassette recorders, DVD players, video game systems, game controllers, signal converter boxes, and cable and satellite receivers), digital cameras and projectors, digital audio players, telephones and electronic communication equipment (including cellular phones and wireless internet communication devices), networking devices (including routers, network cards, modems, and hubs), audio equipment, portable video game systems, personal digital assistants, portable global positioning system navigation devices and microwave ovens. Electronic device does not include motor vehicles or large appliances.

(b) *E-waste collection event:* Any one-time or ongoing event or activity organized by individuals, groups, electronic device collectors or other entities with the intended purpose of collecting or gathering items that include electronic devices for recycling or delivery to a recycler. Examples include curbside pickups, door-to-door pickups, parking lot drop-offs, permanent collection sites, or an organization's in-house electronic device management.

(c) *Electronic device collector:* Any person, partnership, corporation or other entity that accepts or collects electronic devices for recycling.

(d) *Electronic device processor or recycler:* Any person, partnership, corporation or other entity that includes as part of its operations the recycling of electronic devices.

(e) *Certified recycler:* An electronic device recycler that is currently certified by a third-party certification organization which has been designated by the City of Santa Cruz to meet acceptable e-waste recycling certification standards.

(f) *Electronic waste or e*-waste: Any electronic device as defined in this ordinance which is being collected for recycling, reuse or disposal.

6.52.030 Certification Required

(a) No person, partnership, corporation or other entity shall collect any electronic device for recycling in the City of Santa Cruz unless the electronic device is delivered to a recycler which meets the certification standards required by the City, regardless of that recycler's location.

(b) No electronic device recycler located within the City of Santa Cruz shall accept any electronic device for recycling unless that recycler meets the certification standards required by the City.

(c) The Director of Public Works or the Director's designee shall maintain information on the acceptable third-party e-waste recycling certification standards and provide this information to collectors, recyclers and the community.

6.52.040 Preemption and Exclusion

(a) To the extent this chapter is preempted by an express provision of state or federal law, this chapter does not apply; and

(b) To the extent applicable laws and regulations governing a governmental entity prohibit application of this chapter to electronic device recycling organized in whole or in part by a governmental entity, this chapter does not apply.

6.52.050 Notification

(a) All notices of e-waste collection events, activities or programs open or available to the public, whether mailed, delivered directly, or placed as advertisements in any media, must include the collector's name, address, telephone number, web site address (if any) and the name of a contact person.

(b) All notices of e-waste collection events must indicate that all collected materials will be delivered to a certified e-waste recycler as required in this ordinance, and must specify the recycler or recyclers to which materials will be delivered.

(c) Information required to be included in such notices must be prominently displayed at any e-waste collection event open or available to the public.

(d) No less than 10 days before the beginning of any e-waste collection event, notification including all information in paragraphs 6.52.050(a) and (b) above must be provided to the City of Santa Cruz by mail or as an email attachment as shown below:

City of Santa Cruz
Department of Public Works
Attn: Waste Reduction Manager
809 Center Street, Room 201
Santa Cruz, CA 95060

Email: contact 831-420-5160 for email address

6.52.060 Enforcement

Enforcement of this ordinance shall be as follows:

(a) The Director of Public Works, or designee, shall have primary responsibility for enforcement of this ordinance and shall have authority to issue citations for violation of this chapter. The Director, or designee, is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.

(b) A person or entity violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.

(c) The City of Santa Cruz may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure authorized by it.

(d) The remedies and penalties provided in this chapter are cumulative and not exclusive of one another nor of any remedies provided for in Title 4 of this Code.

(e) Upon request of the Director of Public Works or designee, electronic waste collectors and recyclers must provide invoices, manifests or other documents as requested to verify compliance with this ordinance.

(f) The Director of Public Works or designee may without notice inspect any electronic waste collector's or recycler's premises, vehicles, storage or other facilities to verify compliance with this ordinance.

6.50.070 Violations

Violations of this ordinance shall be enforced as follows:

(a) Violation of this chapter is hereby declared to be a public nuisance. Any violation shall be subject to abatement by the City of Santa Cruz, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by injunction, upon a showing of violation.

(b) Upon a first violation, the Director of Public Works, or designee, shall mail a written warning to the electronic device collector or recycler. The warning shall recite the violation, and advise that future violations may result in fines.

(c) Upon a second or subsequent violation by an electronic device collector or recycler, the following penalties will apply:

1. A fine not exceeding five hundred dollars ($500) for the first violation that occurs 30 days or more after the first warning.

2. A fine not exceeding one thousand dollars ($1,000) for every additional 30 day period not in compliance, that occurs 30 days or more after the first warning.

(e) Remedies and fines under this section are cumulative.

6.52.080 Severability

The provisions of this chapter are declared to be severable and if any provision, sentence, clause, section or part of this chapter is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter or their application to persons and circumstances.

6.52.090 Effective Date

This chapter shall take effect six months from the date of adoption.

PASSED FOR PUBLICATION this 10th day of July, 2012, by the following vote:

AYES:	Councilmembers Madrigal, Beiers, Coonerty, Terrazas, Vice Mayor Bryant; Mayor Lane.
NOES:	None.
ABSENT:	Councilmember Robinson.
DISQUALIFIED:	None.

APPROVED: Don Lane
Mayor

ATTEST: Bren Lehr
City Clerk Administrator

PASSED FOR FINAL ADOPTION this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2012-10 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz

_____
City Clerk Administrator